

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-20 are pending in the application. Claims 1-20 have been rejected. Claims 1, 15, 19, and 20 herewith are amended. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Claim 1 has been amended to recite that the organic base comprises a guanidine moiety, as supported on page 11, line 5, of the original specification.

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph. The rejection is traversed. Applicants have made amendments to the claims, in accordance with the Examiner's comments in the Office Action, which are believed to now conform the claims to the requirements of the rules.

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0308750. The rejection is traversed. The Examiner states that The EP'750 discloses a heat developable material substantially as claimed. The Examiner further states that EP'750 discloses a base precursor having an arylsulfonylacetic acid moiety and having similar functionality except the heterocyclic containing a nitrogen atom and >C=O group associated therewith. The Examiner alleges that it would have been obvious to the worker of ordinary skill in the art at the time the invention was made to provide a compound having similar functional group associated with a monovalent group such as a heterocyclic compound substituted with a carbamoyl group with a reasonable expectation of success."

This rejection is respectfully traversed. In fact, EP'750 discloses, on page 9, that Y in Structure III-1 can be an aryl or a heterocyclic group, not an aryl substituted with a heterocyclic group. Rather than teaching a heterocyclic substituent on the aryl, EP'750 mentions a halogen, an alkyl, an alkoxy, an alkylsulfonyl, an arylsulfonyl, an acylamino, a carbamoyl, or a sulfamoyl group, none of which bear a resemblance to the heterocyclic substituent on the phenyl ring in claim 1. The carbamoyl group probably comes closest, but compound A-8 on page 10 of EP'750 is still quite remote

from the compound of present claim 1. Hence, the compound of the present claim 1 is clearly unobvious over any compound in EP'750.

In view thereof, it follows that the subject matter of the claims would not have been obvious of EP 0308750 at the time the invention was made.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Fukui et al., Helland et al. and Yabuki et al. The Examiner states that Fukui et al. disclose a photothermographic material substantially as claimed, and that Helland discloses a thermal-dye-bleach construction with a compound containing a functional group such a sulfonylacetic acid in association with a filter dye. The Examiner further states that Yabuki discloses a base precursor in the form of a salt of an organic base with carboxylic acid, and may further use it in association with compound known to be use in photographic material. The Examiner alleges it would have been obvious to the worker of ordinary skill in the art at the time the invention was made to provide a compound having similar functionality with similar utility taught in the applied prior art of record with a reasonable expectation of success.

This rejection is respectfully traversed. Base Precursor Compound 11 in column 55 of Fukui et al. bears no resemblance to the presently claimed compound and, in fact, is the comparison compound in the present application. Helland similarly discloses a structure in columns 9 to 10 in which phenyl is substituted with various groups such as nitro, chloro, cyano, etc., none of which is at all similar to the heterocyclic substituent of the present invention. Fukui and Helland do not even mention the possibility of the phenyl group being substituted with a heterocyclic ring, let alone the unique heterocyclic ring system in claim 1 of the present invention. Similarly, Fukui et al. fail to teach any compound resembling the compound of claim 1.


In view thereof, it follows that the subject matter of the claims would not have been obvious of the combination of Fukui et al., Helland et al., and Yabuki et al. at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Chris P. Konkol
Attorney for Applicant(s)
Registration No. 34,117

CPK:clb
Rochester, NY 14650
Telephone: (585) 722-0452
Facsimile: (585) 477-1148